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6 Attorneys for Defendant
BUMBO (PTY) LTD.
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 DYLAN LAMM, a minor by and
through his guardian ad litem MARY
12 CATHERINE DOHERTY; and KEVIN
LAMM,

13 Plaintiffs,
14 vs.
15

BUMBO; BUMBO LIMITED; BUMBO
(PTY) LTD; TARGET
CORPORATION, and Does 1 to 20;

16 Defendants.

17 Case No. C 07-04807 MHP

18 } DECLARATION OF JOHAN
} NICHOLAS BUITENDACH IN
} SUPPORT OF BUMBO (PTY)
} LTD.'S MOTION TO DISMISS FOR
} INSUFFICIENT SERVICE OF
} PROCESS AND LACK OF
} PERSONAL JURISDICTION AND
} FOR SANCTIONS

19 I, Johan Nicholas Buitendach, declare:

20 1. I am the Owner of Bumbo (Pty) Ltd. This declaration is submitted
in support of Bumbo (Pty) Ltd.'s motion to dismiss for insufficient service of
process and lack of personal jurisdiction. I have personal knowledge of the
21 facts attested to in this declaration, except for those facts stated upon
information and belief, and, as to those facts, I believe them to be true. If called
upon to do so, I could and would competently testify to all matters contained
herein.

22 2. Bumbo (Pty) Ltd. is a manufacturing company located in South
Africa which manufactures the Bumbo Baby Sitter, an infant seat.

23 3. Bumbo (Pty) Ltd. manufacturers the Bumbo Baby Sitter pursuant

1 to a manufacturing agreement with a separate legal entity, which trades as
2 Bumbo International. Bumbo International markets and distributes the Bumbo
3 Baby Sitter to various markets world-wide.

4 4. Bumbo (Pty) Ltd. is a private company which has been organized
5 under the laws of South Africa and has its principal place of business in
6 Pretoria, South Africa.

7 5. Bumbo (Pty) Ltd.'s one and only manufacturing plant and its
8 corporate headquarters are located in Pretoria, South Africa.

9 6. The Bumbo Baby Sitter is manufactured and assembled entirely in
10 South Africa by Bumbo (Pty) Ltd.

11 7. All employees of Bumbo (Pty) Ltd. are employed at its
12 manufacturing plant or corporate headquarters in Pretoria, South Africa.

13 8. All officers and directors of Bumbo (Pty) Ltd. also work and reside
14 in South Africa.

15 9. Bumbo (Pty) Ltd. does not now have and never has had any office,
16 warehouse or manufacturing facility in the states of California or Texas, or any
17 place else in the United States.

18 10. Bumbo (Pty) Ltd. does not now have and never has had any
19 employees in the states of California or Texas, or any place else in the United
20 States.

21 11. Bumbo (Pty) Ltd. does not now have and never has had a business
22 license in the states of California or Texas, or any place else in the United
23 States, and has never been registered to do business in any place in the United
24 States.

25 12. Bumbo (Pty) Ltd. does not now own and never has owned any real
26 or personal property in the states of California or Texas, or any place else in the
27 United States.

28 13. Bumbo (Pty) Ltd. does not now maintain and never has maintained
a bank account in the states of California or Texas, or any place else in the

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1 United States.

2 14. Bumbo (Pty) Ltd. does not now have and never has had a
3 California or Texas telephone number, or a telephone number in any other place
4 in the United States.

5 15. Bumbo (Pty) Ltd. does not now have and never has had a mailing
6 address in the states of California or Texas, or any place else in the United
7 States.

8 16. Bumbo (Pty) Ltd. has never paid any taxes in the states of
9 California or Texas, or any place else in the United States.

10 17. Bumbo (Pty) Ltd. has never conducted any meetings of its board of
11 directors in the states of California or Texas, or any place else in the United
12 States.

13 18. Bumbo (Pty) Ltd. does not maintain a sales force in the states of
14 California or Texas, or any other place in the United States.

15 19. Bumbo (Pty) Ltd. does not now advertise and never has advertised
16 in the states of California or Texas, or any place else in the United States.

17 20. Bumbo (Pty) Ltd. does not now have and never has had any agents
18 for service of process in the states of California or Texas, or any place else in
19 the United States.

20 21. Bumbo (Pty) Ltd. does not now have and never has had any
21 distributors in the states of California or Texas, or any place else in the United
22 States, who are authorized to accept service of process on behalf of Bumbo.

23 22. I am informed and believe that a company called Wartburg
24 Enterprises, Inc., located in Conroe, Texas, is a distributor of the Bumbo Baby
25 Sitter in Texas. Wartburg Enterprises, Inc. is not the sole distributor of the
26 Bumbo Baby Sitter in the United States.

27 23. Bumbo (Pty) Ltd. and Wartburg Enterprises, Inc. are separate
28 companies and do not share common shareholders, officers, directors,
employees or offices.

24. Wartburg Enterprises, Inc. is not authorized by Bumbo (Pty) Ltd. to accept service of process on behalf of Bumbo (Pty) Ltd.

25. I am informed and believe that Mark Buchanan, Vice President of Wartburg Enterprises, Inc., received a copy of the summons and complaint in this matter at Wartburg Enterprises, Inc.'s facility located at 12248 FM 1485, Conroe, Texas 77306.

26. Mark Buchanan is not an owner, officer, director or employee of Bumbo (Pty) Ltd.

9 27. Mark Buchanan is not authorized by Bumbo (Pty) Ltd. to accept
10 service of process on behalf of Bumbo (Pty) Ltd.

11 28. Bumbo (Pty) Ltd. does not maintain any offices or employees at
12 12248 FM 1485, Conroe, Texas 77306.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16 day of January, 2008 at PRETORIA SOUTH AFRICA

Johan Nicholas Buitendach

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